

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

James D. RALPH and Stephen TATAR

Reissue of Patent No: 5,882,350

Serial No.: To Be Assigned

Filing Date: Herewith

For: POLYAXIAL PEDICLE SCREW  
HAVING A THREADED AND  
TAPERED COMPRESSION LOCKING  
MECHANISM

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

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PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY

Box Reissue  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Fastenetix, LLC, the assignee of the entire right, title and interest in this reissue  
application:

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Frank Wu (Reg No. 41,386)  
Peter J. Yim (Reg No. 44,417)  
Karen R. Zachow (Reg No. 46,332)

all of Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018, telephone (650) 813-5600, to prosecute this application and transact all matters in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

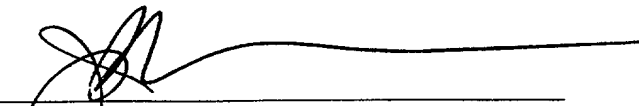
Please direct all written communications relative to this reissue application to:

Sanjay S. Bagade  
Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018

Please direct all telephone communications to Sanjay S. Bagade at (650) 813-5720.

Fastenetix, LLC  
a limited liability corporation

Dated: January 30, 2001

  
Name: Joseph P. Errico  
Title: Chief Patent Counsel and Member  
Address: 150 Douglas Road  
Far Hills, New Jersey 07931

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# REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)  
 337562000930

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are stated below next to my name.

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,862,350, granted March 16, 1999, and for which a reissue patent is sought on the invention entitled POLYAXIAL PEDICLE SCREW HAVING A THREADED AND TAPERED COMPRESSION LOCKING MECHANISM, the specification of which

☒ is attached hereto.

☐ was filed on \* as reissue application number \* and was amended on \*.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

As one instance of claiming less than I had a right to claim, claim 1 as issued required the socket portion "interior volume expandable and contractable." The limitation that the "interior volume" be "contractable" is unnecessary.

All errors are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of the applicant.

(Page 1 of 2)

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pa-554271

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## REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2

Docket Number (Optional)  
 337562000930

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Name(s) \_\_\_\_\_ Registration Number \_\_\_\_\_  
 See attached Prosecution by Assignment and Power of Attorney

Correspondence Address: Direct all communications about the application to:

☒ Customer Number

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25226

PATENT TRADEMARK OFFICE

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Address

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

James D. RALPH

Inventor's signature

Date

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Full name of second joint inventor (given name, family name)

Stephen TATAR

Inventor's signature

Date

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Full name of third joint inventor (given name, family name)

Inventor's signature

Date

Residence

Citizenship

Mailing Address

☐ Additional joint inventors are named on separately numbered sheets attached hereto.

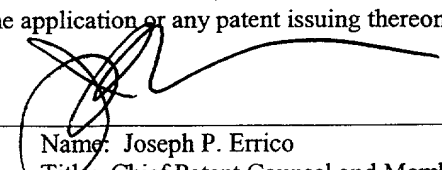
[Page 2 of 2]

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PTO/SB/96 (10-92)

<b>CERTIFICATE UNDER 37 C.F.R. § 3.73(b)</b>		Docket No. 337562000930
In the reissue application of:	James D. RALPH and Stephen TATAR	
Reissue of Patent No.:	5,882,350	
Serial No.:	To Be Assigned	
Filed:	Herewith	
For:	POLYAXIAL PEDICLE SCREW HAVING A THREADED AND TAPERED COMPRESSION LOCKING MECHANISM	
<p>Fastenetix, LLC certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:</p> <p>A. <input checked="" type="checkbox"/> An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 8923, Frame 0208.</p> <p style="text-align: center;">OR</p> <p>B. <input type="checkbox"/> A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:</p> <ol style="list-style-type: none"><li>1. From : To: The document was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.</li><li>2. From : To: The document was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.</li><li>3. From : To: The document was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.</li></ol> <p><input type="checkbox"/> Additional documents in the chain of title are listed on a supplemental sheet.</p> <p><input type="checkbox"/> Copies of assignments or other documents in the chain of title are attached.</p> <p>The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.</p> <p>The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.</p> <p>I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"><div style="width: 40%;"><p>Dated: <u>1/30/01</u></p></div><div style="width: 50%; text-align: center;"> _____ Name: Joseph P. Errico Title: Chief Patent Counsel and Member</div></div>		

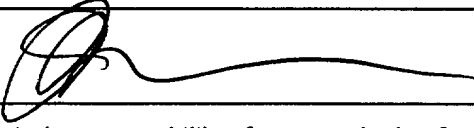
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<b>REISSUE APPLICATION: CONSENT OF ASSIGNEE; STATEMENT OF NON-ASSIGNMENT</b>		Docket No. 337562000930
This is part of the application for reissue patent based on the original patent identified below.		
Name of Patentee(s): James D. RALPH and Stephen TATAR		
Patent Number: 5,882,350	Date Patent Issued: March 16, 1999	
Title of Invention: POLYAXIAL PEDICLE SCREW HAVING A THREADED AND TAPERED COMPRESSION LOCKING MECHANISM		
<p>1. <input checked="" type="checkbox"/> Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)</p> <p>2. <input type="checkbox"/> Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.</p> <p>One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".</p> <p>The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.</p>		
The assignee(s) owning an undivided interest in said original patent is/are <u>Fastenetix, LLC</u> , and the assignee(s) consents to the accompanying application for reissue.		
Name of assignee/inventor (if not assigned): Fastenetix, LLC		
Signature 	Date <u>1/30/01</u>	
Typed or printed name and title of person signing for assignee (if assigned)		
Joseph P. Errico, Chief Patent Counsel and Member		

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